

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

HEATHER DOREEN BENDICKSON,  
  
Plaintiff,  
  
v.  
  
VROOM, INC., and ALLY FINANCIAL  
INC.,  
  
Defendants.

Case No. 2:21-cv-05762-DGE

ORDER RE: SETTLEMENT  
CONFERENCE WITH UNITED  
STATES MAGISTRATE JUDGE

This matter comes before the Court on the Honorable David G. Estudillo's order referring this case to the undersigned for settlement purposes. Dkt. 75.

The Court orders as follows:

**The parties are directed to appear for a Settlement Conference to be held In-Person before the United States District Court for the Western District of Washington at Tacoma. The Conference will start at 9:00 AM, PDT, on Tuesday, May 23, 2023, and will conclude no later than 3:00 PM, PDT. The required settlement memoranda, more fully described below, are due no later than 4:30 PM, PDT, on Thursday, May 18, 2023.**

Persons with ultimate settlement authority must be personally present at the settlement conference or readily available by videoconference and phone.

Participation of parties at the settlement conference – in person – is likely to increase the efficiency and effectiveness of the settlement conference. A request to be

1 exempt from this requirement should be submitted to the Court in writing no later than  
2 noon on **May 17, 2023**. Please address any request to Anna Mendoza, Judicial Law  
3 Clerk to Magistrate Judge Fricke, at [anna\\_mendoza@wawd.uscourts.gov](mailto:anna_mendoza@wawd.uscourts.gov). The email  
4 subject line should include your case number and “Request for non-appearance of a  
5 party.”

6 Parties not appearing in person shall be available by phone, videoconference,  
7 and email (including the ability to review documents and sign) for the duration of the  
8 settlement conference.

9 Any counsel appearing without authority to negotiate, or without the ability to  
10 readily contact the person with full and ultimate settlement authority throughout the  
11 settlement conference, may be sanctioned.

12 Other people who may increase the probability of settling the case should be  
13 present, if possible. For example, the attendance of an expert may be helpful. Counsel  
14 assisting the client on related matters may need to be involved. At the very least,  
15 contact information should be available for them at the conference.

16 Each party shall provide a concise settlement memorandum **no longer than ten**  
17 **double spaced pages which should not include attachments or exhibits unless**  
18 **under extraordinary circumstances**. Each party’s confidential memoranda shall  
19 include a brief description of their viewpoint about the strengths and weaknesses of  
20 their case, a summary of any recent discussions between the parties including any  
21 offers and counteroffers, the history and results of any previous settlement conferences  
22 or mediations, and identification of the specific issues that still need to be resolved  
23 during the upcoming settlement conference.

1 The memorandum shall include the case number, case name, and shall be  
2 emailed directly to Magistrate Judge Fricke, at: anna\_mendoza@wawd.uscourts.gov.  
3 The email subject line should read: “**Bendickson v. Vroom Inc et al – May 23, 2023 –**  
4 **[Defendant/Plaintiff’s name] Confidential Settlement Position Paper.**” Do not mail  
5 hard copies of the settlement memorandum to chambers, do not serve them on  
6 opposing counsel, and do not file them with the Clerk’s Office. The settlement  
7 memorandum is strictly confidential, and the parties will not exchange their settlement  
8 memoranda with one another.

9 Magistrate Judge Fricke will meet separately with counsel for all parties (but not  
10 with the clients) by phone before the settlement conference. Judicial Law Clerk Anna  
11 Mendoza (anna\_mendoza@wawd.uscourts.gov) will reach out to schedule a time for  
12 the phone meeting and will confirm by sending a calendar invitation and phone-in  
13 instructions.

14 It is the duty of the parties to notify the Court if trial is continued or if the case is  
15 settled or otherwise disposed of prior to the date of the scheduled settlement  
16 conference, so that the matter may be removed from the Court’s docket.

17 In the time period immediately preceding the settlement conference, if any party  
18 believes that negotiation attempts would not be fruitful at the time set for the conference  
19 for any reason, that party should contact the Court as soon as possible to discuss the  
20 concern. Counsel for the parties are strongly encouraged to engage in preliminary  
21 discussions with an eye toward meaningfully narrowing their disputes before appearing  
22 for the Conference.

1 The Court expects that each participant will be well-prepared, open-minded, and  
2 sincerely interested in achieving settlement. To encourage open communication, the  
3 Court ORDERS that all matters communicated in connection with this judicial settlement  
4 are confidential and not to be used for any other purpose.

5  
6 Dated this 12th day of May, 2023.

7  
8 

9  
10 

---

Theresa L. Fricke  
United States Magistrate Judge